

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MARCO CARROTHERS,

PLAINTIFF

V.

NO. 4:05CV80-M-A

LAWRENCE KELLY, ET AL,

DEFENDANTS

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND
RECOMMENDATION**

The *pro se* plaintiff, an inmate in custody of the Mississippi State Penitentiary at Parchman, moved for a temporary restraining order or, in the alternative, for preliminary injunctive relief in this § 1983 complaint. He asks that the court order that he be removed from Unit 32 at Parchman and placed in another facility, preferably the Central Mississippi Correctional Facility. Magistrate Judge S. Allan Alexander held an evidentiary hearing on the motion on May 10, 2005, and filed a Report and Recommendation on May 24, 2005, recommending that the motion be denied. Plaintiff on June 14, 2005, filed a pleading entitled “Motion to Appeal the Order Report and Recommendation from the Magistrate Judge S. Allan Alexander Dated May 24th 2005 Denying and Dismissing Motion for T.R.O. or Preliminary Injunction,” which the court will treat as an objection to the Report and Recommendation.

The court finds that plaintiff’s argument is not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts.

THEREFORE, it is hereby ORDERED that

1) the plaintiff’s objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED; and

3) the motion for a temporary restraining order or preliminary injunction is DENIED.

SO ORDERED, this the 15th day of July, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE